



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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January 30, 1995

Mr. David K. Richards
2375 S 300 W
Salt Lake City, UT 84107

Dear Mr. Richards:

Re: Measuring Devices - Weber River

Blaine Johnson, Weber River Commissioner, informs us that it is difficult to measure and regulate the water diverted from the Weber River into the H. P. Peterson #2 ditch located in Section 31, T1S, R7W, SLB&M because of the lack of a headgate structure and measuring device.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ...If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

Therefore, you are hereby notified that the H. P. Peterson #2 ditch is to be equipped with a functional lockable headgate and measuring devices prior to the beginning of the 1995 irrigation season. This diversion will be inspected for compliance and if not in compliance it will be tagged by the River Commissioner. The tag will represent an order to cease the use of water. The State Engineer will then direct the Commissioner to close the diversion or proceed to take legal action through a court order requiring that the diversion be closed until such time as the headgate and measuring device are installed. This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.



Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice please contact John Mann at 538-7397 or Lee Sim at 538-7380.

Respectfully,

Robert L. Morgan, P. E.
State Engineer

RLM:GA

cc: John Mann
Lee Sim
John Mabey, Asst. Attorney General
Blaine Johnson, Commissioner